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Attorney Docket No.: P11547

November 8, 2004

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Date: November 8, 2004

Pamela S. Newton

Via Facsimile 703-872-9306

Mail Stop APPEAL BRIEF - PATENTS
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Re: Patent Application for:
"METHOD AND LOGICAL UNITS FOR PROVIDING SERVICES"
Serial No. 09/531,917
Attorney Docket No. P11547

Dear Sir:

Enclosed for filing please find the following items relating to the above-identified application:

(1) Appeal Brief (16 pages).

The commissioner is hereby authorized to charge appeal brief fee of $340.00 and any additional fees associated with this communication or credit any overpayment to Deposit Account No. 50-1379.

Should you have any questions or comments concerning this matter, please feel free to contact the undersigned at 972/583-1573.

Sincerely,

Bill R. Naifeh
Reg. No. 44,962

BRN/psn

Ericsson Inc.
6300 Legacy Drive

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NOV 0 8 2004

Attorney Docket No. P11547

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	Andrew Sharp, et al.	§	Group Art Unit:	2685
Serial No:	09/531,917	§	Examiner:	Tran, Pablo N
Filed:	March 21, 2000	§	Appeal No.:	Unassigned

For: METHOD AND LOGICAL UNITS FOR PROVIDING SERVICES

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Date: November 8, 2004

Pamela S. Newton

Via First Class Mail

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313.1450

Dear Sir:

APPEAL BRIEF

This Brief is submitted in connection with the decision of the Primary Examiner set forth in the Offical Action dated June 8, 2004 (Paper No. 13), finally rejecting claims 1-15 and 17-24, which are all of the pending claims in this application.

The Commissioner is hereby authorized to charge any appropriate fees under 37 C.F.R. §41.20(b)(2) that may be required by this paper, and to credit any overpayment, to Deposit Account No. 50-1379.

I. Real Party in Interest

The real party in interest is Telefonaktiebolaget LM Ericsson, a Swedish corporation, with its principal office at SE-164 83 Stockholm, Sweden.

II. Related Appeals and Interferences

To the best of the knowledge of the undersigned, there are no related appeals and no interferences regarding the above application.

III. Status of Claims.

Claims 1-15 and 17-25 are pending in the present application, which are finally rejected and form the basis for this Appeal. Claims 1-15 and 17-25, including all amendments to the claims are attached in the Claims Appendix.

IV. Status of Amendments.

No Amendments or responses have been filed subsequent to the final rejection dated June 8, 2004. The claims set out in the Claims Appendix include all entered amendments.

V. Summary of Claimed Subject Matter.

Claim Element	Specification Reference
1. A method is disclosed for providing services to a mobile user equipment in a mobile communication system adapted to send a number of "n" active calls to the mobile user equipment, where n is an integer with m different bearer capabilities associated therewith, the method comprising the following steps:	Throughout the Specification, including: page 6, lines 18-20
requesting a set-up of an additional call while the number n active calls with m different bearer capabilities associated thereto is set up, and	Throughout the Specification, including: page 6, lines 20-22
deciding whether to set up the additional call in parallel,	Throughout the Specification, including: page 6, lines 22-24; page 9, lines 15-20

to set up the additional call by choosing one call to be put on hold and by using a bearer associated with the one call put on hold to service the additional call, or	Throughout the Specification, including: page 6, lines 26-31; page 10, lines 12-30
to reject a set up of the additional call.	Throughout the Specification, including: page 14, lines 7-13

Claim Element	**Specification Reference**
15. A logical unit of a mobile communication system adapted to allow a mobile user equipment to utilize a number n active calls, n being an integer, and a number m bearer capabilities associated therewith, m being an integer, comprising:	Throughout the Specification, including: page 14, lines 15-23.
a comparator operable to compare a bearer capability associated with a requested call set up with the m bearer capabilities of the n active calls;	Throughout the Specification, including: page 20, lines 24-31; page 21, lines 8-18.
a first unit operable to decide whether the requested call set up should be offered as a new parallel call, as a waiting call, or a rejected call; and	Throughout the Specification, including: page 14, lines 15-23
a storage unit operable to store information about the active calls.	Throughout the Specification, including: page 14, lines 15-23, page 20, line 31 to page 21, line 2.

The specification references listed above are provided solely to comply with the USPTO's new regulations regarding appeal briefs. The use of such references should not be interpreted to limit the scope of the claims to such references nor to limit the scope of the claimed invention in any manner.

VI. Grounds of Rejection to be Reviewed on Appeal.

a. Issue 1

The first issue presented for this appeal is whether claims 1-15 and 17-24 are properly rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent No. 6,055,424 to Tornqvist, et al. (herein "Tornqvist '424").

b. Issue 2

The second issue presented for this appeal is whether claim 1 is properly rejected under 35 U.S.C. § 102(a) as allegedly being anticipated by PCT Patent No. 96/08937 to Hietalahti (herein "Hietalahti '937").

VII. Argument

A. Claims 1-15 and 17-25 are not anticipated by Tornqvist '424 under 35 U.S.C. § 102(e):

Claims 1-14:

The Examiner maintains that Tornqvist '424 anticipates claim 1 because Tornqvist '424 teaches a method of setting up additional calls *in parallel*." The Applicant respectfully disagrees.

The object of Tornqvist '424 is "to provide a mechanism for *effecting supplementary services* in a communications system" (e.g. in a GSM system, Tornqvist '424 Fig. 12, col. 3, lines 14-16). As explained on page 2 of the Present Application:

> The GSM communication system also offers packet switched data services as the GPRS (General Packet Radio Service). *However, there are still shortcomings in the setup of several calls in parallel, as it is still not possible for example to do an active speech call, Internet browsing, and the reception of a fax at the same time.* . . . . The UMTS (Universal Mobiel Telecommunications System) communication system is capable of handing several calls to one mobile user equipment, the so-called multiple call capability.

Tornqvist '424 appears to describe a mechanism for effecting *supplementary services* in a GSM communications system. (Col. 3, lines 14-20, Col. 5, lines 43-45). It is well known that GSM systems do not have "parallel call" or "multi-call capability." Tornqvist '424 appears to just allow multiple ITAP sessions (Tornqvist '424, col. 18, lines 18-19). However, sessions in GSM are not the same as parallel calls as defined in the Present Application. A "session" is an active communication, measured from beginning to end, between devices or applications over a network. On the other hand, a "call," as used in a UMTS system, is a connection between two stations which allows

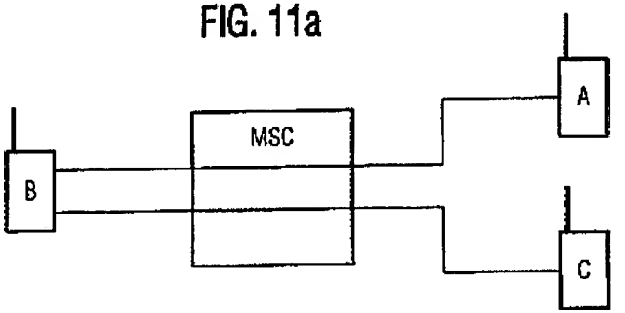
the actual transmission of call information (as opposed to signaling information or control signals).

The Applicant believes that the Examiner has confused the term "parallel call" as defined in the Present Application with the term "multi-party call" which is available through the GSM supplementary services. For instance, in a GSM system, call waiting is a service for offering a call to be accepted as an active call. A call offered as a "waiting" is *not through connected end-to-end* but is connected from a first end to a switch or service node. The switch does not through connect it but instead signals to the second end that a call is offered as a waiting call. A waiting call cannot be used for the transfer of information as speech or data unless it is accepted and converted into an "active call." In contrast, a parallel call, as defined by the Present Application, is a call that is through connected end-to-end and can be used for the transmission of information by a telecommunication service.

The term "parallel call" and the difference between a "parallel call" and a multi party call service thoroughly is explained in the Present Application on page 1, line 25 to page 2, line 27. The difference was also expressed graphically in the application by Figs. 11a and 11b.

Fig. 11a shows an example of a parallel or multiple call from a device A and a device C to a user equipment B. Note that in this example, the multiple calls are handled in parallel (Present Application, page 2, lines 25-27). Fig. 11a is reproduced below:

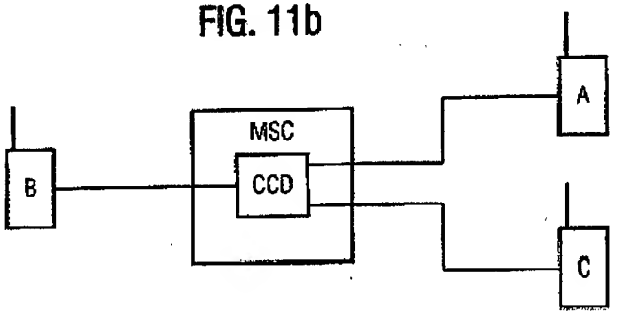
FIG. 11a



As defined in the Present Application, therefore, a "parallel call" is a call where one end user can have more than one call end-to-end through connected at the same time. For example, a user can have an active speech connection while at the same time receiving a facsimile and downloading a web page. Thus, a parallel call is independent from another end-to-end connection.

As also explained in the Present Application on page 2, Fig. 11b shows an example of a multi party call between three users A, B, C. In this example, the multi party call is active and handled by a conference call device CCD in a mobile services switching center MSC. The CCD reads on Tornqvist's "service node." Note that CCD does not through connect both calls from user A and C to B. The conference call is handled at the CCD. Fig. 11b is reproduced below:

FIG. 11b



Claim 1 states "deciding whether to set up the additional *call in parallel*, to set up the additional call by choosing one call to be put on hold and by using a bearer associated with the one call put on hold to service the additional call, or to reject a set up of the additional call." In contrast, Tornqvist '424 cannot decide whether to set up the additional call in "parallel" because that is beyond the capacity of the GSM system described in Tornqvist '424. Tornqvist '424 uses a service node and offers services through the service node, but does not offer the services in parallel.

Thus, one or more of the recited features of claim 1 are not disclosed in Tornqvist '424. Therefore, the withdrawal of the rejections under § 102 for claim 15 is respectfully requested.

Claims 2-14 depend from claim 1 and recite further limitations in combination with the novel elements of claim 1. Therefore, the allowance of claims 2-14 is also respectfully requested.

Claims 15, 17-25:

The Examiner maintains that Tornqvist '424 anticipates claim 15 because Tornqvist '424 teaches a method of setting up additional calls *in parallel*." The Applicant respectfully disagrees.

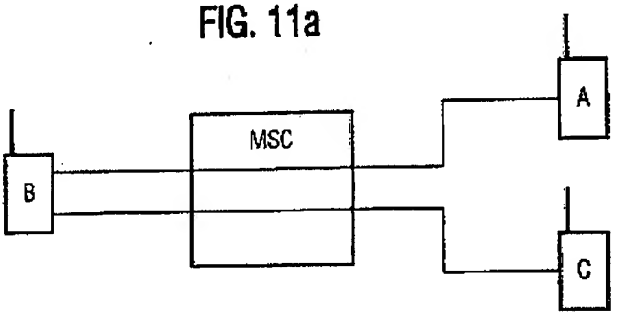
As explained above, Tornqvist '424 provides a mechanism for *effecting supplementary services* in a GSM communications system. (Col. 3, lines 14-20, Col. 5, lines 43-45). It is well known that GSM systems do not have parallel call capability." Tornqvist '424 appears to just allow multiple ITAP sessions (Tornqvist '424, col. 18, lines 18-19). However, sessions in GSM are not the same as calls. A "session" is an active communication, measured from beginning to end, between devices or applications over a network. On the other hand, a "call," as used in a UMTS system, is a connection between two stations which allows the actual transmission of call information (as opposed to signaling information or control signals).

As explained above, the Applicant believes there is confusion between the term "a parallel call" and a multi-party call available through the GSM supplementary services. For instance, call waiting is a service for offering a call to be accepted as an active call. In Tornqvist '424, a call offered as a "waiting" is *not through connected end-to-end* but is connected from a first end to a service node (acting as a switch). The service node does not through connect it but instead signals to the second end that a call is offered as a waiting call. Thus, in Tornqvist '424, a waiting call cannot be used for the transfer of information as speech or data unless it is accepted and converted into an "active call." In contrast, a parallel call is a call that is through connected end-to-end and can be used for the transmission of information by a telecommunication service.

The difference between a "call in parallel" and a multi party call service was explained in the Present Application on page 1, line 25 to page 2, line 27. The difference was also expressed graphically in the application by Figs. 11a and 11b.

Fig. 11a shows an example of parallel calls from a device B to a mobile user equipment A and from the device B to a device C. Note that in this example, the multiple calls are handled in parallel (Present Application, page 2, lines 25-27). Fig. 11a is reproduced below:

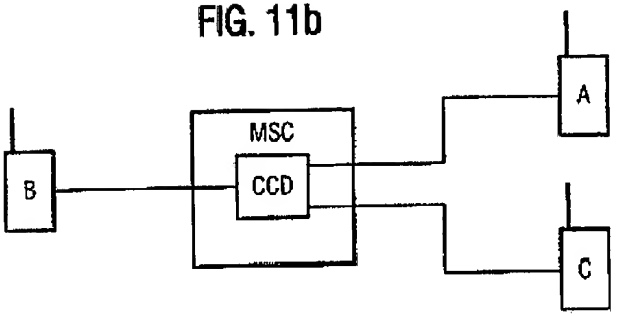
FIG. 11a



As defined in the Present Application, therefore, a parallel call is a call where one end user can have more than one call end-to-end through connected at the same time. For example can one user have an active speech connection while at the same time receiving a facsimile and downloading a web page.

As explained in the Present Application on page 2, Fig. 11b shows an example of a multi party call between three users A, B, C. Note that Fig. 11 is NOT an example of a parallel call. In Fig. 11b, the multi party call is active and handled by a conference call device CCD in a mobile services switching center MSC. The CCD may read on Tomqvist's "service node." Note that CCD does not through connect both calls from user A and C to B. The conference call is handled at the CCD. Fig. 11b is reproduced below:

FIG. 11b



Thus, Tornqvist '424 does not anticipate claim 15 because Tornqvist '424 does not allow parallel *call* capability. For instance, claim 15 states "a first unit operable to decide whether the requested call set up should be offered as a new parallel call, as a waiting call, or a rejected call." In contrast, Tornqvist '424 cannot decide whether to set up the additional call in parallel" because that is beyond the capacity of the system described in Tornqvist '424. Tornqvist '424 uses a service node and offers services through the service node, but does not offer the services in parallel.

Thus, one or more of the recited features of claim 15 are not disclosed in Tornqvist '424. Therefore, the withdrawal of the rejections under § 102 for claim 15 is respectfully requested.

Claims 17-25 depend from claim 15 and recite further limitations in combination with the novel elements of claim 15. Therefore, the allowance of claims 17-25 is also respectfully requested.

B. Claim 1 is not Anticipated by Hietalahti '937 under 35 U.S.C. § 102(a)

Hietalahti '937 appears to describe GSM specification 04.83, section 1.1 which defines the signaling sequence for a call waiting service. (See Hietalht, page 3, lines 9-22). However, as explained previously, call waiting is not the same as the ability to handle multiple active calls in parallel. In the GSM service of call waiting, the switch

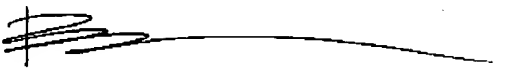
does not through connect through to the second end but instead signals to the second end that a call is offered as a waiting call. A waiting call cannot be used for the transfer of information as speech or data unless it is accepted and converted into an "active call." In contrast, a parallel call is a call that is through connected end-to-end and can be used for the transmission of information by a telecommunication service.

Thus, Hietalhti does not anticipate claim 1 because Hietalhti does not allow parallel *call* capability. For instance, claim 1 states "deciding whether to set up the additional *call in parallel*, to set up the additional call by choosing one call to be put on hold and by using a bearer associated with the one call put on hold to service the additional call, or to reject a set up of the additional call." In contrast, Hietalhti cannot decide whether to set up the additional call in parallel" because that is beyond the capacity of the system described in Hietalhti. Thus, Hietalhti also does not describe parallel or multi-call capability.

One or more of the recited features of claim 1, therefore, are not disclosed in Hietalahti '937. The withdrawal of the rejection under § 102 for claim 1 is respectfully requested.

For all of the foregoing reasons, it is respectfully submitted that claims 1-15, 17-25 be allowed. A prompt notice to that effect is earnestly solicited.

Respectfully submitted,



Date: 11-8-04

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